



City of Portland Historic Landmarks Commission

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Thomas Wheeler
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Regarding the proposed Amended Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, WT Docket No. 15-180

Dear Chairman Wheeler,

Thank you for giving the Portland Historic Landmarks Commission (PHLC) the opportunity to review and comment on the FCC's Rulemaking procedure noted above.

The PHLC provides leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. The PHLC identifies and protects buildings and other properties that have historic or cultural significance or special architectural merit. The PHLC members are all unpaid volunteers, appointed by the Mayor to serve four-year terms. The PHLC provides advice on historic preservation matters, and coordinates historic preservation programs in the City. The Commission is also actively involved in the development of design guidelines for historic design districts. The City of Portland is proud of its historic preservation achievements. The appointment of the first Portland Historic Landmarks Commission in 1965 actually predates passage of the National Historic Preservation Act by a year. The PHLC cares deeply about any alterations or additions to historic buildings and structures throughout the City, whether on private property or within our rights of way.

The PHLC recognizes and acknowledges the national goals of timely review and deployment of wireless technology. Our role is to help deploy these systems appropriately utilizing methods that result in minimal impacts to the urban landscape, specifically when they are proposed for location on our historic buildings and structures, in our Historic and Conservation Districts, and on historic structures within the right of way.

After consideration and discussion of these issues, we have strong concerns about the proposed amendments to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas. Our concerns are outlined below:

- **Definition of "Collocation".** The proposed amendments intend to revise the definition of "collocation" to now include "...the mounting or installation of an antenna...whether or not there is an existing antenna on the structure." This departs from the commonly understood definition for the term "collocation" because it would include situations in which transmission equipment is installed on a structure not previously intended or approved as a support structure for wireless facilities. This could have serious consequences for landmarked and other historic buildings, compromising their historic character and potentially resulting in permanent damage to historic materials.
- **Lack of definitions.** The phrase "small wireless antenna" is used repeatedly but is not defined. We do not consider the maximum limits for exclusions – 3 cubic feet for one antenna and 6 cubic feet for more than one antenna – to be "small". Additionally, the word "antenna" is not used consistently throughout the text of the proposed amendments leading to confusion. The phrase "stealth techniques" is also used repeatedly and likewise is not defined. The relative success of an installation "using stealth techniques that match or

complement the structure on which or within which it is deployed” is a subjective matter, often considered during the review process in order to preserve historic character. There is a high potential for the deployment of detracting and incompatible or potentially-damaging stealth techniques with the proposed exclusion.

- **Potential Damage to Historic Resources.** The proposed exclusions require that “the facilities be installed in a way that does not damage historic materials and that permits the removal of such facilities without damaging historic materials”. However, this leaves it up to the carrier to determine and verify that the installation will not result in damage to historic materials, thus making an assessment in which they are not trained. It should be noted that improper installation by untrained individuals with little to no oversight could result in permanent and irreversible damage to historic resources.
- **Impacts on Local Review and Economy.** It is not clear how this proposal will affect the ability of local jurisdictions to maintain some level of oversight on the potential impacts of the excluded installations; the proposed amendments seem to further limit the ability of local communities to protect the resources that matter most to that community, not to mention the potential impacts to nationally significant historic resources. Besides the potential damage to historic resources noted above, the proposed amendments may have additional consequences including negatively impacting heritage tourism, which many smaller municipalities depend on as a means to stimulate local economic growth.
- **Shifts the Burden of Proof.** With regard to the proposed exclusions for utility poles and light posts within historic districts, the burden of proof is proposed to be shifted to the SHPO which must respond within 30 days to an applicant’s request to verify a structure’s contributing, noncontributing, or eligibility status; if the SHPO fails to respond in a timely manner, the facility can be installed without review. Furthermore, the proposed exclusions permit no means of objection—whether local, through the SHPO, or other means—to a proposed installation which may damage a historic structure located outside the right of way. Again, the question arises of who verifies that the installation will not damage historic materials. The burden of proof is also shifted to the general public who are now responsible for policing improper installations; however it is unlikely that the general public will know where to file a formal complaint.

In summation, the proposed amendments have the potential to adversely affect locally-, regionally-, and nationally-significant historic resources. These impacts may affect the historic character of individual buildings and districts, may permanently and irreparably damage historic materials, and may also have consequences for local economies dependent on heritage tourism.

Again, thank you for giving Portland Historic Landmarks Commission an opportunity to comment on the proposed Amendments. Please do not hesitate to call on the Commission if we can be of further assistance, or if you wish to discuss our recommendations further.

Sincerely,



Paul Solimano
Vice Chair